

Exhibit 2: Portions of May 14, 2019 Deposition Transcript of Lynne Rhodes

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1

Volume 1
Pages 1-138
Exhibits: 1-17

CONTAINS CONFIDENTIAL BUSINESS INFORMATION,
SUBJECT TO A PROTECTIVE ORDER

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS
Civil Action No. 1:18-cv-10506-ADB

SAMUEL KATZ, et al., an individual,
on his own behalf and on behalf of
all others similarly situated
Plaintiffs

vs.
LIBERTY POWER CORP., LLC, et al.
Defendants

CONFIDENTIAL VIDEOTAPED DEPOSITION OF
LYNNE A. RHODES
Tuesday, May 14, 2019, 10:02 a.m.
Eckert Seamans Cherin & Mellott, LLC
Two International Place, 16th Floor
Boston, Massachusetts

---Reporter: Joan M. Cassidy, CSR, RPR, RMR, CRR---
EPPLEY COURT REPORTING LLC
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Lynne Rhodes - May 14, 2019

CONFIDENTIAL

17

1 the question?

2 Q. Sleeping there.

3 A. So I know there was Helen Blake, who spent
4 the summer there, because she had a formal residence
5 in Florida --

6 Q. Who is Helen --

7 A. -- that --

8 Q. I'm sorry, I didn't mean to cut you off.

9 A. No.

10 Q. Who is Helen Blake?

11 A. Helen Blake is a family friend.

12 Q. Do you have any siblings?

13 A. Yes.

14 Q. How many siblings do you have?

15 A. Five -- or four. I'm one of five.

16 Q. Did there come a time when you signed up
17 Scoba Rhodes to receive electronic electricity bills
18 from Eversource?

19 A. Did I sign him up to receive electricity
20 bills from Eversource?

21 Q. I appreciate you requesting clarification;
22 it was a poorly phrased question. Did there come a
23 time when you signed up your email address to
24 receive electronic bills from Eversource?

Lynne Rhodes - May 14, 2019

CONFIDENTIAL

18

1 A. Yes.

2 Q. Approximately when was that?

3 A. I would say June or July of 2017.

4 Q. Why did you take that action?

5 A. My dad was needing support with handling
6 the bills. I moved in to help him financially, as
7 well as help him get himself more organized in the
8 handling of the regular life activities.

9 Q. Prior to you signing up to receive
10 electronic bills, how were the bills received at [REDACTED]
11 [REDACTED]?

12 A. They were -- have always been received by
13 mail, U.S. postal mail.

14 Q. Before you moved in in approximately
15 Memorial Day 2017, who would pay the Eversource
16 bill?

17 A. Primarily, it was my father, although my
18 siblings and I have taken times when we've had to
19 pay the bill to keep it up to date.

20 Q. Do you know how your father was paying the
21 bill?

22 A. By check, I believe. No, I don't know for
23 sure, but...

24 Q. You assume he was sending a check --

Lynne Rhodes - May 14, 2019

CONFIDENTIAL

21

1 A. I would pay by check electronically through
2 my checking account or my dad's checking account.

3 Q. How often was it your checking account and
4 how often was it your dad's checking account?

5 A. It's a joint checking account. My name is
6 on the same account as his.

7 Q. When was that account opened?

8 A. I don't know.

9 Q. When did you become an account holder on
10 that account?

11 A. Sometime in June/July of 2017.

12 Q. And I'm sorry, I don't mean to belabor this
13 point; I'm just trying to establish how you -- how
14 the bill was paid. Did you log into Eversource.com
15 for example and make a payment or -- that's what I'm
16 getting at with this line of questioning.

17 A. There were times when I would check into my
18 bank account and issue a check there. There were
19 times when I had an account established with my
20 dad's account and my account on Eversource and would
21 do that. Wherever there was money available was the
22 format that I used to pay the bills.

23 Q. How many electricity accounts did [REDACTED]
24 [REDACTED] have when you moved in approximately

Lynne Rhodes - May 14, 2019

CONFIDENTIAL

22

1 Memorial Day 2017?

2 A. How many accounts?

3 Q. Yes.

4 A. One account.

5 Q. Who were the names on that account?

6 A. My dad's name was on the account, Scoba
7 Rhodes. I was added later as an interested person
8 to do information and take -- handle any issues on
9 the account.

10 Q. How were you added as an interested person?

11 A. We called them on the phone, and he spoke
12 and asked them to add me.

13 Q. Do you recall the approximate date of that?

14 A. No.

15 Q. It was after you moved in, though, correct?

16 A. Yes.

17 Q. Who is the current account holder on the
18 electricity account at [REDACTED]?

19 A. I am.

20 Q. Did there come a time when your father was
21 dropped off the account?

22 A. He was dropped off the account after he
23 passed, so the account was closed and it was opened
24 specifically in my name alone.

Lynne Rhodes - May 14, 2019

CONFIDENTIAL

31

1 MR. BRUNDAGE: We need to not have
2 colloquies.

3 MR. PRESTON: I understand that. I --
4 and I'm not trying to be difficult.

5 Q. What do you hope to gain out of this
6 lawsuit?

7 A. My short-term gain is to have these calls
8 and this abuse of power against my dad and me
9 acknowledged, and I hope to represent other people
10 who are in the same, similar situation who aren't
11 able to advocate for themselves.

12 Q. When you say -- I think you said "abuse of
13 power acknowledged"?

14 A. Mm-hm.

15 Q. What do you mean by that?

16 A. I repeatedly asked to be removed from the
17 call list. I was continued to be called, and people
18 were giving misinformation to my father to gain
19 business, and he was not of the capacity to
20 independently verify the incorrect statements that
21 were given to him. That's an abuse of somebody who
22 is elderly, has dementia issues, and I am livid that
23 occurred.

24 (Marked, Exhibit 3, Second amended class

Lynne Rhodes - May 14, 2019

CONFIDENTIAL

32

1 action complaint and jury demand.)

2 Q. Ms. Rhodes, the court reporter has marked a
3 document as Exhibit 3. I'd like you to please take
4 a look at it and let me know if you recognize it.

5 A. (Witness reviews document.) Yes, I do
6 recognize this.

7 Q. What is that document?

8 A. This is the second amended class action
9 complaint and jury demand.

10 Q. Did you read that document before it was
11 filed?

12 A. I went over the document, I believe, yes.

13 Q. I want to ask you about some specific
14 allegations that you make in the document, and this
15 is starting on Paragraph 86, which is page 20. Do
16 you see Paragraph 86 there?

17 A. Yes.

18 Q. It reads, "On or about February 4, 2008,
19 plaintiff Lynne Rhodes' residential telephone number
20 508-540-redacted was placed on the National Do Not
21 Call Registry"?

22 A. Mm-hm.

23 Q. Is that accurate?

24 A. The statement is accurate, yes, and this is

Lynne Rhodes - May 14, 2019

CONFIDENTIAL

33

1 the residence where my dad lives, yes.

2 Q. The 508-540 telephone number is associated
3 with [REDACTED]?

4 A. Yes.

5 Q. What is your basis for the factual
6 assertion in this paragraph that it's your
7 residential telephone number?

8 A. That's the house I grew up in, and this is
9 the house -- if ever I had a residential permanent
10 address, this would be where I would have any
11 necessary documents sent. I, sitting in my father's
12 living room, did this with him on my computer.

13 Q. Were you living there at the time that you
14 did this in February 2008?

15 A. I was not living there permanently. I did
16 have a key to get access at any time I needed to.

17 Q. The telephone number identified in
18 Paragraph 86, 508-540-redacted -- and I think we all
19 know the last four digits --

20 A. Mm-hm.

21 Q. -- does that telephone number have your
22 name on the account?

23 A. Currently, yes.

24 Q. Did it have your name on the account in

Lynne Rhodes - May 14, 2019

CONFIDENTIAL

35

1 Q. Is your name on this document?

2 A. My name is not on the document, no.

3 Q. On the top of the document where it lists a
4 telephone number 508-540, and a bill date and an
5 account number, what name is listed there?

6 A. Scoba Rhodes.

7 Q. What is the bill date?

8 A. The bill date, 6/16/2018.

9 Q. So this document would contradict what you
10 said a moment ago, that you were added to this
11 account in June or July 2017; is that correct?

12 A. No, it does not contradict, because any
13 secondary name is not listed. There's only room for
14 one name.

15 Q. How do you know that?

16 A. I called and asked repeatedly, and I was
17 assured that my calling in and I had access to do
18 anything with the account, but the bill name would
19 not change.

20 MR. PRESTON: Hey, Jeff, I just want to
21 flag, she's got some issues; I think it would be
22 better if we planned on taking a break kind of every
23 hour. It doesn't have to be a long break, but we
24 just do need to break.

Lynne Rhodes - May 14, 2019

CONFIDENTIAL

37

1 Q. Who is that attorney?

2 A. John Fink.

3 Q. I just want to make sure I understand
4 correctly. The first document filed in the case was
5 yesterday?

6 A. Yes.

7 Q. Do you know the name of that document that
8 was filed?

9 A. I do not. No, I don't know the name of it.

10 Q. Is anyone else besides John Fink
11 representing you in that case?

12 A. For the executorship?

13 Q. Yes.

14 A. No.

15 Q. I'd like to turn your attention to the next
16 page, please, page 21, Paragraph 88. In this
17 paragraph you allege you began receiving numerous
18 unsolicited calls several times a week by or on
19 behalf of Liberty Power?

20 A. Mm-hm, yes.

21 Q. Do you have an approximation of how many
22 calls you received per week in November 2017 on
23 behalf of Liberty Power?

24 A. On average, I was getting anywhere between

Lynne Rhodes - May 14, 2019

CONFIDENTIAL

38

1 four and six calls a week, almost daily.

2 Q. These calls were being -- sorry. Let me
3 rephrase that.

4 Did you receive these calls on the
5 508-540 telephone number?

6 A. On the home phone, yes.

7 Q. Out of the four to six calls per week, how
8 many did you answer and how many did your father
9 answer?

10 A. In November my dad had a stroke and was in
11 the hospital, so he wasn't answering any of the
12 calls in the later part of the month, so I got the
13 majority of the phone calls. Before that he was
14 getting a lot of the phone calls.

15 Q. What time of the day -- what times of the
16 day did the calls come into the house telephone
17 number?

18 A. I answered the phones in the evenings, and
19 I believe he was getting calls during the day.

20 Q. You were at work during the day, correct?

21 A. For the first part of the month, yes.

22 Q. Did you keep a log or any sort of
23 documentation on these calls?

24 A. No, I did not.

Lynne Rhodes - May 14, 2019

CONFIDENTIAL

41

1 rates for the other companies; and once I verified
2 that the rate was going to be significantly higher,
3 and they said in error that they were better than
4 what we had and suggested that my father change, and
5 he did, believing them, and I found and verified
6 that it was not true, I had them go back.

7 Q. Did your father ever complain to you about
8 receiving unsolicited telephone calls in November of
9 2017?

10 A. He didn't need to complain; the look of
11 exasperation of having to deal with the numerous
12 phone calls was evident.

13 Q. So that's a no?

14 A. He did not complain; he did show evidence
15 of distress and being annoyed at the information.

16 MR. BRUNDAGE: I'm going to play some
17 audio.

18 Do you take this down as an exhibit or
19 do I just play it? I'll just play it.

20 (Discussion off the record.)

21 Q. Ms. Rhodes, I'm going to play an audio
22 clip. I will represent to you this was produced by
23 your attorneys in discovery. It has a Bates number.
24 That Bates number is 307690.

Lynne Rhodes - May 14, 2019

CONFIDENTIAL

42

1 A. Is there a letter in front of that?

2 MR. PRESTON: This is, I assume, KATZ
3 307690. Do I have that correct?

4 MR. BRUNDAGE: That's correct.

5 MR. PRESTON: Okay.

6 (Audio played.)

7 Q. That's the entirety of the recording. Is
8 that your voice on the recording?

9 A. Yes, it is my voice, and no, it's not the
10 entirety. That's the entirety of the recording;
11 that's not the entirety of the phone call.

12 Q. Do you recall that telephone call?

13 A. Yes, I do.

14 Q. Why did you impersonate your father on that
15 telephone call?

16 A. I did not --

17 MR. PRESTON: I'm going to object. That
18 mischaracterizes the record.

19 THE WITNESS: Thank you.

20 A. I did not. It asked for the name, and I
21 said the name, which was the name on the account,
22 Scoba Rhodes.

23 Q. Why didn't you tell them that Scoba Rhodes
24 wasn't on the phone?

Lynne Rhodes - May 14, 2019

CONFIDENTIAL

43

1 A. I wasn't asked.

2 Q. What was your purpose in completing or
3 attempting to complete that third-party
4 verification?

5 A. My attempt was -- they said I was getting a
6 better rate. I wanted written documentation so I
7 can take and review with my father to show if in
8 fact there was a better rate, we would change
9 providers. Based on what they said, they were
10 giving me a better rate than what I had. And when
11 they refused to give me information at the end of
12 the call that's not there, I said, "Remove this
13 number from your list."

14 Q. I want to turn your attention back to the
15 second amended complaint. And this is page 21.
16 Paragraph 89 says that you told Liberty Power to
17 stop calling and to add the number to the company Do
18 Not Call List?

19 A. Yes.

20 Q. Do you remember the approximate number of
21 times you did that?

22 A. Every time they called me, after that call
23 especially, I said, "Remove this number from your
24 list."

Lynne Rhodes - May 14, 2019

CONFIDENTIAL

44

1 Q. And how many calls -- let me rephrase that.

2 Do you recall the date of that call?

3 A. That call, if I serve correctly, was Friday
4 of Thanksgiving 2017.

5 MR. PRESTON: Can we take a break?

6 THE WITNESS: Yes, please.

7 MR. BRUNDAGE: Sure.

8 THE WITNESS: Thank you.

9 VIDEOGRAPHER: The time is approximately
10 10:53, and we are off the record.

11 (Recess.)

12 VIDEOGRAPHER: The time is approximately
13 11:03. We are back on the record. Counsel, you may
14 proceed.

15 BY MR. BRUNDAGE:

16 Q. Ms. Rhodes, you testified earlier that a
17 Helen Blake lived at [REDACTED]?

18 A. Mm-hm.

19 Q. When did she live there?

20 A. She came for a summer in 2014 and was
21 staying -- I know I visited in 2014 and she was
22 staying there, so... And she was basically for the
23 summer for that year.

24 Q. Did she stay there anytime after 2014?

Lynne Rhodes - May 14, 2019

CONFIDENTIAL

45

1 A. I don't know.

2 Q. Did anyone else reside with you or your
3 father in 2017 or 2018?

4 A. No.

5 Q. Did anyone else at [REDACTED] claim to
6 receive calls from Liberty Power besides you or your
7 father?

8 A. No, no one else lived there.

9 Q. In late 2017/early 2018, did the 508-540
10 telephone number have caller identification?

11 A. Yes.

12 Q. Do you recall any of the telephone numbers
13 that came up when you answered and it was Liberty
14 Power?

15 A. No, I don't recall the numbers.

16 Q. Did you write any of them down?

17 A. Not that I know of.

18 Q. Does that caller ID still exist?

19 A. It's built into the phone, yes.

20 Q. You testified your father had a stroke in
21 mid-November of 2017; is that correct?

22 A. Yes, yes.

23 Q. Did he receive any sort of diagnosis in
24 2017 either before or after the stroke that he

Lynne Rhodes - May 14, 2019

CONFIDENTIAL

46

1 needed assistance with his living needs?

2 A. In 2017?

3 Q. (Nodding.)

4 A. No, he did not.

5 Q. What about in 2018?

6 A. No, he did not.

7 Q. So he never received a --

8 A. It was before that.

9 Q. Can you tell me about it?

10 A. In May of 2016 I started getting notices
11 from his doctor, his friends, that he needed to have
12 more assistance. He had lost a lot of weight, and I
13 had met with his doctors, who indicated that he
14 needed to have more -- someone involved to help him
15 navigate and handle his issues. He was diagnosed
16 with Lewy body dementia.

17 Q. What was the approximate date of that
18 meeting with the doctor?

19 A. It was a phone call, and it was in the
20 first week -- it was sometime in May of 2016. He
21 had taken a trip to California and had significant
22 problems on that trip.

23 Q. Was what the doctor told you during that
24 phone call advice, or was it a diagnosis?

Lynne Rhodes - May 14, 2019

CONFIDENTIAL

47

1 A. On that phone call he told me he -- my dad
2 had been diagnosed. The recommendation was he
3 needed care and that he needed to have more
4 involvement because he was isolated and it wasn't
5 real clear how much he really needed assistance.

6 Q. Do you have any reason to believe Liberty
7 Power knew your father was ill?

8 A. In some phone calls I have let them know
9 that my dad was -- had dementia and that they were
10 taking advantage of him.

11 Q. Is there a reason you did not include that
12 in your lawsuit?

13 MR. PRESTON: I'm going to object. I
14 think that misstates the record.

15 A. His sole -- his illness is secondary to the
16 fact that he was getting repeated phone calls and we
17 told them to not call, so his illness was of concern
18 to me and added pressure to me. Regardless of
19 whether -- the reason, "do not call" means "do not
20 call," and that was not adhered to.

21 Q. I want to be certain I understand your
22 testimony. Is your testimony that you believe
23 Liberty Power knew your father was ill?

24 A. In follow-up phone calls they knew, yes;

Lynne Rhodes - May 14, 2019

CONFIDENTIAL

48

1 they were told that my dad was ill.

2 Q. Were they told by you?

3 A. Yes.

4 Q. Were they told by your father?

5 A. Probably not. I don't know. Most people
6 don't disclose diagnoses when they talk to someone
7 on the phone, especially strangers.

8 Q. Before we took a break we listened to an
9 audio recording; do you recall that?

10 A. Yes.

11 Q. Do you recall saying there was more to the
12 call?

13 A. Yes.

14 Q. What else was a part of that telephone call
15 that we didn't hear?

16 A. I was asking for clarification of what the
17 changes were that they were looking for, and I
18 wanted written documentation because the call before
19 stated they had a better rate, and I wanted it in
20 writing. And after going back and forth, the person
21 said she wouldn't give me something in writing until
22 I was approved -- until I authorized the change, at
23 which point I said I was not going to authorize the
24 change and because I couldn't get anything in

Lynne Rhodes - May 14, 2019

CONFIDENTIAL

49

1 writing, remove me from the list.

2 Q. Is there anything else that occurred on
3 that telephone call?

4 A. I know my sister was on a Skype phone call
5 in my hand, so she heard the phone call, and you
6 could probably hear her in the background, yelling
7 to remove us from the list.

8 Q. Your testimony is that the recording we
9 just listened to is the recording your sister
10 overheard that you referenced in your interrogatory
11 responses?

12 A. Yes.

13 Q. All right. We'll get to that. I
14 appreciate the clarification.

15 Again, looking at page 21, Paragraph 90
16 now, it says that you told the caller that you would
17 not do business with telemarketers over the phone;
18 is that accurate?

19 A. That is accurate, although it is somewhat
20 incomplete, and I believed the telemarketers,
21 meaning these people that were continuing to call
22 me.

23 Q. How is it incomplete?

24 A. Because the company that was calling

Lynne Rhodes - May 14, 2019

CONFIDENTIAL

63

1 he told me it was Liberty Power, and I told him not
2 to pay any bills because I was handling the bills
3 and that we didn't have anything that needed to be
4 paid in such an urgent manner. I also sent an email
5 to Donna whose response was, "Liberty Power wouldn't
6 do something like that."

7 Q. I want to turn to the next page, please, of
8 Exhibit 3. This is page 22, Paragraph 93. Do you
9 see Paragraph 93?

10 A. Yes, I do.

11 Q. Can you tell me about that call, please?

12 A. I believe I was highly upset with Liberty
13 Power for yet again calling; and again, I asked them
14 to stop calling. And they basically told me that
15 they -- once I told them who my provider was or I
16 switched services, they would call -- they would
17 stop calling but not before.

18 Q. Was it a male or a female voice that called
19 you?

20 A. Male.

21 Q. Did the voice have an accent?

22 A. Yes.

23 Q. Are you able to place the accent?

24 A. It sounded more of the Indian area, the

Lynne Rhodes - May 14, 2019

CONFIDENTIAL

64

1 continent, Asian, Indian, a rather thick accent.

2 Q. The next paragraph, the January 25 call --

3 A. Mm-hm.

4 Q. -- can you tell me about that call, please.

5 A. Well, a lot of these calls were the same.

6 They were looking to change. They said that they
7 were from Liberty Power and they wanted to change
8 the provider, and I told them, "Stop calling," and
9 they continued to call.

10 Q. Was the call on January 25 a male or a
11 female?

12 A. I believe all of the calls that I have, the
13 majority of them were male calls. Every once in a
14 while there was a female call, but I can't tell you
15 specifically what dates those were.

16 Q. Did the January 25 caller have an accent?

17 A. Yes.

18 Q. Are you able to place that accent?

19 A. Again, it's the same general area as the
20 Indian continent and that Asian accent.

21 Q. Can you please tell me about the call on
22 March 17, Paragraph 95.

23 A. So again, the call was the same, looking to
24 have us change to Liberty Power, and again, I told

Lynne Rhodes - May 14, 2019

CONFIDENTIAL

65

1 them, "Stop calling. Remove me from the Do Not Call
2 List (sic)."

3 Q. Do you have a recollection if these tel --
4 these calls you received had a telephone number
5 associated with them?

6 A. I had calls that had Liberty Power listed
7 on the caller ID, and I started receiving numerous
8 calls that were numbers that when I called back were
9 not valid.

10 Q. How many calls, approximately, said
11 "Liberty Power" on your caller ID?

12 A. I believe up until mid-January/February,
13 the calls had Liberty Power listed, after which
14 those calls ended up getting spoofed, and the
15 numbers that were listed were not valid numbers.

16 Q. What do you mean by "spoofed"?

17 A. The number on my caller ID when I would
18 call them back would not be a valid number.

19 Q. Did you call the number back every time you
20 got one of these unsolicited calls that are
21 referenced in the complaint?

22 A. The numbers I would call when the name did
23 not say "Liberty Power" to see where the number
24 actually went to.

Lynne Rhodes - May 14, 2019

CONFIDENTIAL

111

1 A. That phone number I had access to and my
2 dad had access to. That's the house phone.

3 Q. I want to distinguish between physical
4 access and name on the account. We looked at a
5 document earlier today from Verizon which only
6 showed Scoba Rhodes on the account. Are you
7 asserting that you were also on the account?

8 A. Yes.

9 MR. PRESTON: I'm going to object to
10 form.

11 Q. He was asserting that despite what the
12 Verizon document said?

13 A. The Verizon document only lists one person
14 as the billing person. I was also listed as a user,
15 provider, and access to the account.

16 Q. Beginning what date?

17 A. It was formally introduced somewhere in
18 June or July of 2017, when I moved into the house in
19 May.

20 Q. So how do you reconcile what you just said
21 with what you wrote here on the top of 36, that that
22 telephone number did not have separate user
23 accounts?

24 MR. PRESTON: I'm going to object that

Lynne Rhodes - May 14, 2019

CONFIDENTIAL

112

1 it misstates the records.

2 A. It says what is accurate, which is, the
3 house phone is in my father's name and the cell
4 phone is in my name and no one else had access to
5 that cell phone.

6 Q. Did there come a time in 2017 where you
7 became responsible for the payment of the 508-540-
8 redacted telephone number?

9 A. Yes, I was paying that since July.

10 Q. July 2017?

11 A. Yeah, July 2017. I was taking and adding
12 myself to all the accounts at my dad's request,
13 given that we were having issues with the -- all of
14 the utilities staying on 'cause of nonpayment.

15 Q. How were you paying the telephone bill for
16 the 508-540-redacted telephone number?

17 MR. PRESTON: Objection, asked and
18 answered.

19 THE WITNESS: Yes.

20 MR. PRESTON: You should answer but the
21 objection's there.

22 A. Again, I was using my account. I was using
23 the joint account with my father's name, and I also
24 paid by credit card, depending on where funds were

Lynne Rhodes - May 14, 2019

CONFIDENTIAL

113

1 available.

2 (Marked, Exhibit 13, Verizon payment
3 history, LP_004325.)

4 Q. The court reporter is handing you a
5 one-page document which has been marked as Exhibit
6 13. Please take a look and let me know if you
7 understand the information on this document.

8 A. (Witness reviews document.) This looks like
9 this was payment for the Verizon bill.

10 Q. Who is the customer name on this Verizon
11 telephone number?

12 A. Scoba Rhodes.

13 Q. Is it correct that payments from July 2017
14 through April 2018 are listed here?

15 A. It appears so, yes -- I'm sorry, April of
16 2018.

17 Q. If you know, which one of these listed
18 payments did you make?

19 A. I can't tell you -- I know I was making
20 payments with my dad. I can't tell you what
21 specifically he wrote a check for and what I wrote.
22 We were working on this together.

23 Q. So sometimes he would solely write a check?

24 A. Yes.

Lynne Rhodes - May 14, 2019

CONFIDENTIAL

127

1 Mezzi Marketing?

2 A. In my complaint on page 16 -- I knew I saw
3 it in here -- the information here on page 16 is
4 where I know Mezzi Marketing.

5 Q. Where -- what paragraph on page 16?

6 A. So this Paragraph 68, Mezzi is referred to,
7 69 they're referred to. They're referred to earlier
8 as well, I believe. But that's where I know Mezzi
9 Marketing from, and the pages before.

10 Q. Beyond what you've identified in the
11 complaint and beyond conversations with your
12 attorneys, do you know anything else about Mezzi
13 Marketing?

14 A. No, I do not. They're also listed in other
15 places in the complaint, but those are just ones
16 that I picked out.

17 (Marked, Exhibit 15, Verizon talk
18 activity billing document for 5/24/18 to 6/23/18 for
19 L. Rhodes phone, redacted, KATZ 307758.)

20 Q. The court reporter has handed you what's
21 been marked as Exhibit 15. Please take a look at it
22 and let me know if you recognize it.

23 A. (Witness reviews document.) There's one
24 three-minute call on June 20, I don't know what

Lynne Rhodes - May 14, 2019

CONFIDENTIAL

128

1 year, possibly 2018, incoming call of three minutes.

2 Q. Have you seen that document before?

3 A. The one you just handed me?

4 Q. Yes, ma'am.

5 A. No.

6 Q. No? Do you see the telephone number at the
7 top of that document, top left?

8 A. Yes.

9 Q. Is that your cell phone number?

10 A. Yes, it is.

11 Q. Do you recall this June 20 call that is not
12 redacted in this document?

13 A. I do not know who that number belongs to,
14 so I have nothing in context to tell me what this
15 call is.

16 Q. In your second amended complaint, you
17 allege that this call is a call that was identified
18 as coming from Liberty Power.

19 A. Okay.

20 Q. Can we agree on that?

21 A. Okay -- you said in the second amended
22 complaint?

23 Q. So if you have the interrogatories, it's
24 page 21. If you have the second amended complaint,

Lynne Rhodes - May 14, 2019

CONFIDENTIAL

129

1 it's page 22.

2 A. (Witness reviews documents.) So this is the
3 first set -- I'm sorry.

4 Q. Why don't you grab what you just had, the
5 interrogatories. It's page 21.

6 A. Okay, thank you. (Witness reviews
7 document.) Okay. So that's the phone number, yes.

8 Q. Can you tell me about this call, please.

9 A. It was a robocall, and they said, "You've
10 been selected because you have a great payment
11 history to change your electric company to a more
12 affordable electric company. Press 1 if you're
13 interested in doing so." I pressed 1 and they said,
14 "Hello," and was very happy. I asked who did they
15 represent. They said, "Eversource." I said,
16 "Eversource does not call people. Who do you
17 represent?" Then they said, "Eversource." And I
18 said, "Are you calling from Liberty Power?" They
19 said, "Yes." I said, "Take me off your call list.
20 I do not want to be -- do business with you."

21 Q. What's a robocall?

22 A. A robocall is an automated -- actually, I
23 don't have an actual definition of a "robocall," but
24 my understanding is people get -- or companies get

Lynne Rhodes - May 14, 2019

CONFIDENTIAL

130

1 automated, generated lists of numbers that they call
2 in successive order trying to gain business.

3 Q. You identified this call as a robocall.
4 What facts support that assertion?

5 A. It was an electronic call, an electronic
6 message, and it wasn't a person until I pressed 1 to
7 connect with a person.

8 Q. Well, that would make it a prerecorded
9 call, wouldn't it?

10 MR. PRESTON: I'm going to object to the
11 extent it misstates the record.

12 A. And it would still be a robocall. I don't
13 understand what the difference between a robocall
14 and a prerecorded call is. The result is the same.

15 Q. From what I heard a moment ago from your
16 testimony, you're saying a robocall is a call made
17 with an auto-dialer, and I'm asking you if this call
18 is not that, but rather a call with a prerecorded
19 message.

20 A. Okay. Did I say "auto-dialer"? I don't
21 think I said "auto-dialer." I said a list of calls
22 generated, and the calls go out in some successive
23 order, meaning more than one call is made in
24 successive order until they get people to talk to

Lynne Rhodes - May 14, 2019

CONFIDENTIAL

131

1 them.

2 Q. Has Liberty Power or anyone on behalf of
3 Liberty Power ever dialed your cell phone besides
4 this one call that you've identified?

5 A. Yes, I had several calls in 2016.

6 Q. Why are those calls not in your complaint?

7 A. These are calls that we found as we've been
8 going along and researching at this time. I expect
9 to find more calls as we identify the calls listed.

10 Q. When you heard the prerecorded message, did
11 you identify the call as coming from an electricity
12 supply company?

13 A. They identified themselves as saying they
14 wanted to give me a better rate with my electricity.

15 Q. And the messages went on to say, "Press 1"?

16 A. Yes.

17 Q. Why did you press 1?

18 A. To tell them to stop calling me.

19 Q. Is it accurate to say that Exhibit 15 lists
20 the call as three minutes long?

21 A. Possibly, yes.

22 Q. Well, take a look at Exhibit 15. Does it
23 identify the call as three minutes?

24 A. Yes.

Lynne Rhodes - May 14, 2019

CONFIDENTIAL

132

1 Q. It took three minutes to tell them not to
2 call you?

3 A. When a call is listed as three minutes,
4 they take a whole minute, so even if it's ten
5 seconds long, they queue it -- they put it on a
6 whole minute, so there's no way to know if that
7 three minutes is an actual exact three minutes or if
8 it's rounded out. But I can say yes, the call was
9 at least two to three minutes long.

10 Q. What did you talk about for two to three
11 minutes?

12 A. They had their automated message, and I
13 told them, remove me from their list, I did not want
14 to do business with them. There's no way that this
15 phone number is listed to any house that needs
16 electricity, so there's no need for them to call me.

17 Q. What were you doing when you received this
18 call, if you remember?

19 A. I don't know. I was in my living room.

20 Q. You were at home?

21 A. I was at home, most likely, yes. I don't
22 know. I need a calendar; I need a date; I need a
23 context. I have no idea. June 20, 2018, really
24 doesn't mean anything.